

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehringer@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-277

13 **AMY ALLEN REESE-COLE, AKA AMY**
ALLEN REESE, AKA AMY REESE, AKA
AMY COLE

A C C U S A T I O N

14 **Address of Record:**
502-A Cedar Top Lane
15 **Knoxville, TN 37923**

16 **Additional Address:**
1236 West Main Street, Apt. 101
17 **Danville, VA 24541**

18 **Registered Nurse License No. 624126**

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about August 13, 2003, the Board of Registered ("Board") Nursing issued
27 Registered Nurse License Number 624126 to Amy Allen Reese-Cole, aka Amy Allen Reese, aka
28

1 Amy Reese, aka Amy Cole ("Respondent"). The Registered Nurse License expired on October
2 31, 2004, and has not been renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b)
12 of the Code provides, in pertinent part, that the Board may renew an expired license at any time
13 within eight years after the expiration.

14 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
15 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
16 disciplinary action during the period within which the license may be renewed, restored, reissued
17 or reinstated.

18 7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in
19 which a license may be renewed or reinstated:

20 "In the event a licensee does not renew his/her license as provided in Section 2811 of
21 the code, the license expires. A licensee renewing pursuant to this section shall
22 furnish a full set of fingerprints as required by and set out in section 1419(b) as a
condition of renewal.

23 (a) A licensee may renew a license that has not been expired for more than
24 eight years by paying the renewal and penalty fees as specified in Section 1417 and
providing evidence of 30 hours of continuing education taken within the prior two-
year period.

25 (b) A licensee may renew a license that has been expired for more than eight
26 years by paying the renewal and penalty fees specified in Section 1417 and providing
27 evidence that he or she holds a current valid active and clear registered nurse license
in another state, a United States territory, or Canada, or by passing the Board's current
28 examination for licensure."

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4

5

6

7
8
9
10
11

12

13

14
15
16
17
18

19

20

21

22

23

24

25

26

27

28

1 11. On or about February 2, 2007, the Virginia Board issued an order denying
2 Respondent's application for reinstatement of her license to practice nursing. The Virginia
3 Board's order was based on the following:

4 (a) Respondent was issued a license to practice nursing in Virginia on July 21,
5 1999 and the license expired on September 30, 2003. On August 8, 2006, Respondent submitted
6 an application for reinstatement of her license.

7 (b) On February 27, 2006, Respondent signed a contract with the North Carolina
8 Board of Nursing Alternative Program for Chemical Dependency ("Alternative Program") in
9 which she admitted to abusing Klonopin (Clonazepam, a Schedule IV controlled substance),
10 Ativan (Lorazepam, a Schedule IV controlled substance), and Lortab (hydrocodone + APAP, a
11 Schedule III controlled substance) from 2000-2004, when she entered treatment, and again in
12 2005, when she relapsed. She also admitted to marijuana use since 1995. Respondent was
13 terminated from the Alternative Program on July 20, 2006 for many reasons, including failing to
14 call regarding her drug screening obligations, failing to perform drug screens when told to do so,
15 and failing to attend sessions at the treatment facility after June 15, 2006.

16 (c) Upon termination from the Alternative Program, Respondent's North Carolina
17 license was "voluntarily surrendered."

18 (d) In her application for reinstatement, Respondent stated that she had never had
19 disciplinary action taken against her license, that her practice had never been the subject of an
20 investigation, that she had never voluntarily surrendered her license, and that her license was in
21 good standing in all jurisdictions where she was licensed. However Respondent had voluntarily
22 surrendered her North Carolina nursing license on or about July 20, 2006. Respondent
23 acknowledged to the Special Conference Committee that she had intentionally falsely stated on
24 her reinstatement application that she had never voluntarily surrendered her license.

25 (e) In her application for reinstatement, Respondent stated that she did not have
26 any mental, physical, or chemical dependency conditions which could interfere with her ability to
27 practice nursing despite the fact that she had admitted to recently abusing controlled substances.
28


1 (f) Respondent informed the Special Conference Committee that she had been
2 convicted for grand larceny, a felony, in Danville, Virginia, in October 2006. She stated that she
3 had no memory of the offense but that she had been arrested for shoplifting while under the
4 influence of controlled substances including methodone (a Schedule II controlled substance),
5 without a prescription, and prescription benzodiazepines.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 624126, issued to Amy
10 Allen Reese-Cole, aka Amy Allen Reese, aka Amy Reese, aka Amy Cole;
11 2. Ordering Amy Allen Reese-Cole, aka Amy Allen Reese, aka Amy Reese, aka Amy
12 Cole to pay the Board of Registered Nursing the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
14 3. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: OCTOBER 11, 2012


18 For LOUISE R. BAILEY, M.ED., RN
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

24
25
26
27
28
21 LA2012507852
22 51171632.doc